



Commission for Independent Education

What is the Commission for Independent Education (CIE)?

The CIE regulates independent postsecondary educational institutions, which are postsecondary educational institutions that operate or make application to operate in Florida and that are not provided, operated, and supported by the State of Florida, its political subdivisions, or the Federal Government.¹ For these institutions, the CIE is responsible for matters concerning licensure, consumer protection, and program improvement.² Independent postsecondary educational institutions may not grant diplomas or degrees until they have been licensed by the CIE.³

The CIE was created by the 2001 Legislature as a result of consolidating the former State Board of Independent Colleges and Universities and State Board of Nonpublic Career Education into a single board.⁴

Who are the members of the CIE?

The CIE is comprised of seven Florida residents, who include:

- ❖ Two representatives of independent colleges or universities licensed by the CIE.
- ❖ Two representatives of independent, nondegree-granting schools licensed by the CIE.
- ❖ One member from a public school district or Florida College System institution who is an administrator of career education.
- ❖ One representative of a religious college that meets certain statutory criteria⁵ allowing it to be exempt from the CIE's jurisdiction.
- ❖ One lay member who is not affiliated with an independent postsecondary educational institution.

The members are appointed to three-year terms by the Governor and subject to confirmation by the Florida Senate.⁶

Which institutions are under the jurisdiction of the CIE?

The CIE licenses all independent postsecondary educational institutions operating in Florida, except for the following institutions specifically excluded from the CIE's jurisdiction:

¹ Section 1005.02(11), F.S.

² Section 1005.21(2), F.S.

³ Section 1005.21(1), F.S.

⁴ Section 3, ch. 2001-170, L.O.F.

⁵ Section 1005.06(1)(f), F.S.

⁶ Section 1005.21(3), F.S.

- ❖ An institution eligible to participate in the Florida Resident Access Grant Program.
- ❖ A college, school, or course licensed or approved for establishment and operation under certain statutes⁷ that require licensure or approval by an entity other than the CIE.
- ❖ An institution that offers only continuing education or avocational, examination preparation, contract training, or professional development programs or courses.
- ❖ An institution that was exempt from licensure prior to the creation of the CIE,⁸ as long as the institution maintains certain qualifying criteria.
- ❖ A religious college that annually verifies compliance with certain statutory requirements relating to the name of the institution, the programs offered, the titles of degrees, the duration of degree programs, and fair consumer practices.
- ❖ An institution that is regulated by the Federal Aviation Administration, another agency of the Federal Government, or an agency of the state which has regulatory laws similar in nature and purpose to those of the CIE and which requires specified minimum educational standards.⁹

Currently, the CIE has jurisdiction over:

- ❖ 369 degree-granting independent postsecondary educational institutions. Of this number, 325 are accredited by a regional or national accrediting agency. During FY 2009-10, these institutions enrolled 302,517 students and reported 56,608 graduates.
- ❖ 552 nondegree-granting independent postsecondary educational institutions. Of this number, 142 are accredited by a regional or national accrediting agency. During FY 2009-10, these institutions enrolled 77,235 students and reported 47,817 graduates.¹⁰

What are the responsibilities of the CIE?

For institutions under its jurisdiction, the CIE:

- ❖ Develops licensure standards.¹¹
- ❖ Reviews and approves or denies applications in accordance with licensure standards.¹²
- ❖ Issues and reviews licenses and denies, places on probation, or revokes any license as required by rule or law.¹³
- ❖ Monitors the consumer practices of each institution under its jurisdiction to protect the students from unfair consumer practices.¹⁴
- ❖ Serves as a central agency for collecting and distributing current information regarding the institutions under its jurisdiction.¹⁵

⁷ These statutes include: Part I of Chapter 464, F.S. - the Nurse Practice Act; Chapter 466, F.S. - Dentistry, Dental Hygiene, and Dental Laboratories; Chapter 475, F.S. - Real Estate Brokers, Sales Associates, Schools and Appraisers; and any other chapter of the Florida Statutes requiring licensure or approval as defined in Chapter 1005, F.S.

⁸ The institutions must have been exempt in 2001 under s. 246.085(1)(b), F.S. (2001).

⁹ Sections 1005.02(11) and 1005.06(1), F.S.

¹⁰ Florida Department of Education, Commission for Independent Education, *2009-2010 Annual Report*, at 4, available at http://www.fldoe.org/cie/pdf/annual_report.pdf [hereinafter *CIE Annual Report*].

¹¹ Section 1005.31(2), F.S.

¹² Section 1005.31(4), (5), and (6), F.S.

¹³ Sections 1005.31(1)(a), 1005.33(1), and 1005.38(1), F.S.

¹⁴ Section 1005.34, F.S.

¹⁵ Section 1005.22(1)(i), F.S.

The CIE also conducts site visits, reviews applications by licensed institutions for creation or modification of a program, and investigates complaints filed against the institutions under its jurisdiction. During FY 2009-10, the CIE conducted 495 on-site visits to inspect files, facilities, and equipment and to conduct interviews to ensure the institutions were in compliance with the relevant rules and statutes.¹⁶ The CIE also reviewed 247 complaints made against institutions under its jurisdiction and issued 86 Letters of Noncompliance to entities that appeared to be operating a school or college without a license.¹⁷

What types of licenses are granted by the CIE?

The CIE may grant an institution provisional licensure, annual licensure, or licensure by means of accreditation.

A provisional license may be granted after the CIE determines that the applicant is in substantial compliance with the standards for annual licensure. This license is initially granted for a period not to exceed one year. Thereafter, the license may be extended for up to one additional year. An institution with a provisional license may advertise, recruit students, accept fees and tuition for students, and hold classes. A new institution seeking to offer degrees, a nondegree-granting institution seeking to add degree programs, or a new nondegree-granting institution that offers a credential requiring one year or more to earn may not award the new degree or credential during provisional licensure. No programs may be advertised or offered which do not appear on the provisional license.¹⁸ During FY 2009-10, the CIE granted 84 provisional licenses.¹⁹

An annual license may be granted to an institution that holds a provisional license or that is seeking renewal of annual license after the CIE determines that the institution has demonstrated full compliance with all licensure standards. Additionally, prior to the granting of an initial annual license, a satisfactory on-site visit by must occur. An accredited institution may submit a report of a satisfactory visit by its accrediting agency to satisfy this requirement. An annual license is granted for a period not to exceed one year; however, extensions may be obtained under certain circumstances. An annual license authorizes full operation of the institution.²⁰ During FY 2009-10, the CIE granted 66 first annual licenses.²¹

A license by means of accreditation may be granted after the CIE determines that the institution:

- ❖ Possesses institutional accreditation by an accrediting agency with standards equivalent to the CIE's licensing standards.
- ❖ Has operated in Florida for 5 consecutive years.
- ❖ Has not had any unresolved complaints or actions in the previous 12 months.
- ❖ Meets minimum requirements for financial responsibility.^{22, 23}

¹⁶ *CIE Annual Report* at 10, *supra* note 10; see also rule 6E-4.007, F.A.C.

¹⁷ *CIE Annual Report* at 11, *supra* note 10.

¹⁸ Section 1005.31(5), F.S.; rule 6E-2.002(1), F.A.C.

¹⁹ *CIE Annual Report* at 3, *supra* note 10.

²⁰ Section 1005.31(5), F.S.; rule 6E-2.002(2), F.A.C.

²¹ *CIE Annual Report* at 3, *supra* note 10.

²² Section 1005.32(1), F.S.

²³ Section 1005.32(1)(e), F.S., also specifies that an institution must be a Florida corporation in order to be eligible for licensure by means of accreditation. This requirement, however, is no longer enforced by the CIE as a result of

A license by means of accreditation is valid for the same period as the grant of accreditation.²⁴ During FY 2009-10, the CIE granted 203 applications for licensure by means of accreditation.²⁵

How do licensed institutions add new programs or modify existing programs?

A licensed institution that seeks to add a new program or to modify an approved education program must seek prior approval from the CIE.²⁶ During FY 2009-10, the CIE reviewed 458 new program offerings for institutions holding licensure by means of accreditation and 283 new program offerings and 35 modifications to existing programs for other licensed institutions.²⁷

How is the CIE funded?

The CIE is funded from fees collected from licensed institutions and deposited into the Institutional Assessment Trust Fund. For FY 2009-10, the CIE collected \$3,674,161²⁸ from institutional license fees, program fees, agent fees, and late fees. The CIE also collected \$210,753 in Student Protection fees from nondegree-granting institutions, which were deposited in the Student Protection Trust Fund.²⁹ In FY 2009-10, the CIE expended \$2,549,911.³⁰

Where can I obtain additional information?

Florida Department of Education

Commission for Independent Education
(850) 245-3200
(888) 224-6684
<http://www.fldoe.org/cie>

Florida House of Representatives

Education Policy Council
(850) 488-7451
<http://www.myfloridahouse.gov>

a 2008 lawsuit filed in federal court. In that case, the plaintiff argued that the Florida corporation requirement impermissibly burdened interstate commerce in violation of the United States Constitution. The parties to the lawsuit ultimately settled the case with an agreement stipulating that the requirement is unconstitutional. See *University of Phoenix v. Bradley*, Case No. 4:08cv217-RH/WCS (N.D. Fla. 2008).

²⁴ Rule 6E-2.002(3), F.A.C.

²⁵ *CIE Annual Report* at 3, *supra* note 10.

²⁶ Section 1005.33(2), F.S.; see also rule 6E-2.008, F.A.C.

²⁷ *CIE Annual Report* at 4, *supra* note 10.

²⁸ According to the CIE's Annual Report, the most current data were used at the time of publication, but due to time constraints related to the date of publication, the figures used in the report may not represent the entire fiscal year. *CIE Annual Report* at 3, *supra* note 10.

²⁹ See s. 1005.37, F.S.

³⁰ *CIE Annual Report* at 13, *supra* note 10.